NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 03/29/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 12/12/2000.

TITLE: AFA Pollock Fishery Vessel Monitoring System

AGENCY FORM NUMBER(S): None

ACTION : APPROVED
OMB NO.: 0648-0425
EXPIRATION DATE: 03/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	1,944,000	3,600	225
Difference	1,944,000	3,600	225
Program Change		3,600	225
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request
DOC/NOAA?NMFS

2. OMB control number b. [✔] None
a. _____ - _____

3. Type of information collection (*check one*)
a. [✔] New Collection
b. [ ] Revision of a currently approved collection
c. [ ] Extension of a currently approved collection
d. [ ] Reinstatement, without change, of a previously approved collection for which approval has expired
e. [ ] Reinstatement, with change, of a previously approved collection for which approval has expired
f. [ ] Existing collection in use without an OMB control number
For b-f, note Item A2 of Supporting Statement instructions

4. Type of review requested (*check one*)
a. [✔] Regular submission
b. [ ] Emergency - Approval requested by _____ / _____ / _____
c. [ ] Delegated

5. Small entities
Will this information collection have a significant economic impact on a substantial number of small entities? [ ] Yes [✔] No

6. Requested expiration date
a. [✔] Three years from approval date b. [ ] Other Specify: _____ / _____

7. Title AFA Pollock Fishery Vessel Monitoring System

8. Agency form number(s) (*if applicable*)

9. Keywords 'fisheries, fishing vessels'

10. Abstract
Participants in the Bering Sea-Aleutian Islands pollock fishery would be required to purchase a vessel monitoring system that automatically transmits location data every 20 minutes during a fishing trip. The vessel owner would be responsible for installation and data transmission charges. The position information is necessary for NMFS to enforce regulations regarding fishing in the Steller sea lion conservation area.

11. Affected public (*Mark primary with "P" and all others that apply with "x"*)
a. ___ Individuals or households d. ___ Farms
b. P Business or other for-profit e. ___ Federal Government
c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government

12. Obligation to respond (*check one*)
a. [ ] Voluntary
b. [ ] Required to obtain or retain benefits
c. [✔] Mandatory

13. Annual recordkeeping and reporting burden

a. Number of respondents	150
b. Total annual responses	1,944,000
1. Percentage of these responses collected electronically	100 %
c. Total annual hours requested	3,600
d. Current OMB inventory	0
e. Difference	3,600
f. Explanation of difference	
1. Program change	3,600
2. Adjustment	

14. Annual reporting and recordkeeping cost burden *(in thousands of dollars)*

a. Total annualized capital/startup costs	90
b. Total annual costs (O&M)	135
c. Total annualized cost requested	225
d. Current OMB inventory	0
e. Difference	225
f. Explanation of difference	
1. Program change	225
2. Adjustment	

15. Purpose of information collection (*Mark primary with "P" and all others that apply with "X"*)
a. ___ Application for benefits e. x Program planning or management
b. ___ Program evaluation f. ___ Research
c. ___ General purpose statistics g. P Regulatory or compliance
d. ___ Audit

16. Frequency of recordkeeping or reporting *(check all that apply)*
a. [ ] Recordkeeping b. [ ] Third party disclosure
c. [✔] Reporting
1. [ ] On occasion 2. [ ] Weekly 3. [ ] Monthly
4. [ ] Quarterly 5. [ ] Semi-annually 6. [ ] Annually
7. [ ] Biennially 8. [✔] Other (describe) every 20 minutes

17. Statistical methods
Does this information collection employ statistical methods
[ ] Yes [✔] No

18. Agency Contact (person who can best answer questions regarding the content of this submission)
Name: Patsy A. Bearden
Phone: 907-586-7008

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

(a) It is necessary for the proper performance of agency functions;

(b) It avoids unnecessary duplication;

(c) It reduces burden on small entities;

(d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;

(e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;

(f) It indicates the retention period for recordkeeping requirements;

(g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):

(i) Why the information is being collected;

(ii) Use of information;

(iii) Burden estimate;

(iv) Nature of response (voluntary, required for a benefit, mandatory);

(v) Nature and extent of confidentiality; and

(vi) Need to display currently valid OMB control number;

(h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);

(i) It uses effective and efficient statistical survey methodology; and

(j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee	Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature signed by W.T. Hogarth	Date 11/07/2000
Signature of NOAA Clearance Officer	
Signature signed by Richard Roberts, NOAA Clearance Officer	Date 11/14/2000

VESSEL MONITORING SYSTEM (VMS)
FOR THE ALASKA BERING SEA/ALEUTIAN ISLANDS POLLOCK FISHERY

Prepared by
National Marine Fisheries Service
Alaska Region

INTRODUCTION

Beginning with the passage of the Magnuson-Stevens Fishery Conservation and Management Act in 1976, the Secretary of Commerce (Secretary) undertook a set of objectives for the conservation and management of marine fishery resources. On October 11, 1996, the President signed into law the Sustainable Fisheries Act of 1996 (P.L. 104-297) which re-authorized and amended the Magnuson-Stevens Act. Under this stewardship role of one of the Nation's natural resources, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources, including the requirement for recordkeeping and reporting by users of the resources.

Under the Magnuson-Stevens Act, the Council prepared and the Secretary approved the Fishery Management Plan for the Groundfish fishery of the Bering Sea and Aleutian Islands Area (BSAI) in 1982, the Fishery Management Plan for Groundfish of the Gulf of Alaska in 1978, the FMP for the King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands in 1989, and the Fishery Management Plan for the Scallop Fishery off Alaska in 1995. Fishing for groundfish by U.S. vessels in the exclusive economic zone (EEZ) of the BSAI and the GOA is managed by National Marine Fisheries Service (NMFS) through regulations implemented at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H of 50 CFR part 600. National Environmental Policy Act (NEPA) Environmental Impact Statements (EISs) were prepared for the groundfish FMPs when they were approved by the Secretary.

On October 21, 1998, the President signed into law the American Fisheries Act (AFA) which imposed major structural changes on the BSAI pollock fishery. To implement the provisions of the AFA in the groundfish, crab, and scallop fisheries off Alaska, the Council prepared Amendment 61 to the FMP for the Groundfish fishery of the BSAI, Amendment 61 to the FMP for Groundfish of the GOA, Amendment 13 to the FMP for the King and Tanner Crab Fisheries in the Bering Sea/Aleutian Islands, and Amendment 8 to the FMP for the Scallop Fishery off Alaska. Environmental analysis

documents were prepared for each subsequent FMP amendment and regulatory action, and a supplemental Environmental Impact Statement was prepared for both groundfish FMPs in 1998.

OBJECTIVE

This document supports a proposed rule that would amend existing requirements for participants in the BSAI pollock fishery by adding vessel monitoring system (VMS) requirements for AFA catcher vessels and AFA catcher/processors fishing for groundfish in the BSAI and GOA. This would include the purchase of a VMS transmitter and the use of the VMS when fishing for BSAI pollock. NMFS also encourages catcher vessels and catcher/processors in non-pollock fisheries voluntarily to use the VMS to enable better fisheries management. It is intended that this requirement will later be combined with that for the VMS in the Atka mackerel fishery (0648-0417).

JUSTIFICATION

All AFA catcher/processors and AFA catcher vessels would be required to deploy an operating NMFS-approved VMS transmitter at all times that the vessel is fishing for groundfish in the BSAI or GOA. In a final rule published October 17, 2000 (65 FR 61264), NMFS established VMS requirements for trawl vessels engaged in directed fishing for Atka mackerel. These requirements would be extended to AFA catcher/processors and AFA catcher vessels. An AFA catcher/processor or AFA catcher vessel would be required to carry and use a NMFS-approved VMS transmitter whenever fishing for groundfish off Alaska. These transmitters automatically determine the vessel's location several times per hour using Global Positioning System (GPS) satellites and send the position information to NMFS via a mobile communication service provider. The VMS transmitters are designed to be tamper-resistant and automatic and the vessel owner should be unaware of exactly when the unit is transmitting and will be unable to alter the signal or the time of transmission.

NMFS believes that a VMS system is an essential component of a monitoring program for the AFA pollock fishery. A VMS system will allow NMFS to verify catch locations inside and outside of the Steller Sea Lion Conservation Area (SCA). Under the proposed rule, each sector and cooperative will be limited in the amount of BSAI pollock that can be taken inside the SCA during each season. Without the means to verify fishing location on a vessel-by-vessel basis, NMFS would be forced to implement a more conservative management program in which all catch by a sector is assumed to have been taken inside the SCA until that sector's SCA limit has been reached. Such a management program would not allow individual vessels to be credited for fishing location and would not allow cooperatives to manage their SCA harvest limits on an individual vessel basis. In addition, a VMS program will provide necessary management information that will enable NMFS to track participation in various sideboard fisheries and better ensure that small sideboard amounts are not exceeded.

In the proposed rule to require VMS in the Atka mackerel fishery (65 FR 36810) NMFS established criteria for the approval of VMS components. At this time, only one transmitter, the ArgoNet Mar GE, and its associated communications service provider, North American Collection and Location by

Satellite, Inc. (NACLS), have been approved by NMFS. A vessel owner wishing to purchase this system may contact the provider or NMFS for additional information.

The MAR GE transmitter and NACLS communications service provider have also been approved for use in the Atlantic Highly Migratory Species Fisheries. Additional details concerning these VMS components may be found in the NMFS notice of approval of these VMS components published in the Federal Register on September 9, 1999 (64 FR 48988).

The following 18 responses provide the justification for use of the VMS:

1. Need to Conduct the Information Collection.

The number of Steller sea lions (*Eumetopias jubatus*) in the BSAI has declined significantly during the past several decades, and in 1997 NMFS listed the western stock of Steller sea lions as an endangered species. A requirement of the Endangered Species Act (ESA) is that Federal actions affecting the critical habitat of a listed species must not jeopardize the continued existence of the populations of those species or adversely affect or modify their critical habitat. Pollock is an important prey species for Steller sea lions and stocks adequate for the food needs of Steller sea lions must remain available in Steller sea lion critical habitat. Hence, the pollock fishery must be managed to provide for the food needs of Steller sea lions and avoid potential jeopardy to them.

When critical habitat areas are closed, continued pollock fishing takes place very close or adjacent to the closed critical habitat areas. The boundaries of these areas are complex, the areas are remote, and the weather is frequently poor. Ensuring that no fishing is taking place inside critical habitat using traditional methods of enforcement, such as aerial surveillance, is difficult. Effective enforcement of these closures will be greatly enhanced if vessels participating in the fishery use a VMS transmitter that automatically and frequently transmits vessel position to NMFS so that vessels fishing near critical habitat can be monitored closely.

All AFA catcher vessels and catcher processors that engage in directed fishing for pollock in the BSAI would be required to purchase, install and operate a NMFS-approved VMS. The mandatory use of VMS in the pollock fishery is necessary to provide more precise information of fishing location on both observed and unobserved pollock fishing vessels. Precise position information is necessary so that cooperatives may manage their fishing inside and outside of the Steller sea lion conservation area (SCA) regardless of whether an observer is aboard the vessel. Absent observer coverage or VMS, NMFS Steller sea lion protection regulations require that all catch on unobserved catcher vessels be considered as having been taken inside the SCA anytime the SCA is open to directed fishing for pollock. The deployment of VMS onboard observed catcher vessels and catcher/processors provides additional management benefits in that the VMS position becomes the authoritative record of vessel location and will resolve conflicts that occur when locations reported by observers and vessels do not match due to differences in rounding of positions or other reasons. In addition, VMS will provide a more effective tool for enforcing closed areas under co-op fishing.

2. How, by whom, how frequently, and for what purpose the information will be used.

In order to participate in the AFA pollock fishery in the BSAI, an owner would be required to have an operating NMFS-approved VMS transmitter on board and to send a position report every 20 minutes. Pollock hauls can be as short as 45 minutes so if we want to make sure that we get at least two position reports per haul, we need a twenty minute interval. The cost to the vessel owner is a daily flat fee irrespective of the number of transmissions per day.

A VMS consists of a NMFS-approved VMS transmitter that automatically determines the vessel's position and transmits it to a NMFS-approved communications service provider. The communications service provider receives the transmission and relays it to NMFS. On March 31, 1994, NMFS published standards for the use of VMS (59 FR 15180). NMFS will use the criteria described below, which are based on the 1994 standards, to approve VMS transmitters and communication service providers. The VMS transmitter must:

1. Be tamper-proof and it must be impossible for the vessel operator to input false position information;
2. Be able to determine, store and transmit vessel position;
3. Allow for regular as well as random automatically generated position reporting. The interval between position reports must be programmable;
4. Each position report must include:
    (a) the vessel location, accurate within 400 m;
    (b) a transmitter identifier that is unique to that transmitter; and
    (c) the date and time that the vessel position was taken;
5. The VMS transmitter must be equipped with an onboard alarm system that will alert the vessel crew if the unit malfunctions or is not able to transmit;
6. The VMS transmitter, in conjunction with the VMS communication service provider, must provide seamless and transparent communications from any location within the exclusive economic zone off Alaska;
7. The VMS transmitter must be able to fix the vessel's position at least once every 20 minutes and be able to store those positions in local, non-volatile memory until they can be transmitted to, and received by, the communication service provider;
8. In addition to regular position reports, the VMS transmitter must be capable of transmitting a specially identified status report giving the vessel position whenever the transmitter is powered-up, powered-down, is unable to determine vessel position or has its antenna disconnected;
9. It must not be possible for the vessel operator to determine when the VMS transmitter is transmitting or taking a position for later transmission;
10. Transmissions from the VMS transmitter and the communication service provider must be secure, and it must not be possible for unauthorized parties to intercept vessel location information.

NMFS will publish notice in the *Federal Register* as VMS components are approved for use. At this time, NMFS believes that only the Argos system is suitable for use in all areas off Alaska. The Argos

system uses the ArgoNet Mar GE transmitter in conjunction with the Argos system of polar-orbiting satellites. While there are other space-based communications service providers that provide coverage for waters off Alaska, such as Inmarsat-C, only the Argos system has demonstrated that it offers 100 percent coverage of all areas off Alaska. However, because of the rapid pace of technological change in the field of satellite-based vessel monitoring, NMFS anticipates that other vendors will produce VMS components that meet all NMFS standards in the near future. NMFS will contact the owners of all AFA pollock vessels and ensure that they are aware of which VMS transmitters have been approved by NMFS and have received installation instructions.

To participate in the AFA pollock VMS program, a vessel owner must:

(1) Purchase a NMFS-approved VMS transmitter and have it installed onboard the vessel in accordance with the instructions provided by NMFS. A copy of the VMS installation and operation instructions are available from the Regional Administrator upon request.

(2) Activate the VMS transmitter and receive confirmation from NMFS that the VMS transmissions are being received before participating in a pollock fishery;

(3) Continue the VMS transmissions until the pollock fishery has closed or until notified by NMFS staff to stop transmissions;

(4) Stop fishing immediately if informed by NMFS staff or an authorized officer that NMFS is not receiving position reports from the VMS transmitter. The vessel owner would be required to repair or replace the VMS.

(5) Make the VMS transmitter available for inspection by NMFS personnel, observers, or an authorized officer;

(6) Ensure that the VMS transmitter is not tampered with, disabled, destroyed, or operated improperly;

(7) Pay all charges levied by the communication service provider.

The VMS information will be used primarily by the Office of Law Enforcement, Alaska Region, NMFS and secondarily by the Sustainable Fisheries Division, Alaska Region, NMFS. The information will be used to track the movement of vessels participating in the pollock fisheries when pollock is open to directed fishing outside of critical habitat and closed to directed fishing inside of critical habitat. If a vessel does fish inside closed critical habitat, the information will be used as evidence in any prosecution. The information will also be used to assess the effectiveness of VMS for possible expansion to larger portions of the Alaska groundfish fleet.

3. Use of improved technology to reduce burden.

The information collection will be completely automated. Upon installation, the VMS unit will automatically transmit vessel position.

4. Describe efforts to identify duplication.

This pollock VMS collection-of-information requires the same information from vessels participating in the Atka mackerel VMS program. No duplication of effort is predicted as the vessels who operate in the Atka mackerel fishery do not operate in the pollock fishery. Otherwise, no similar information is being collected by State or Federal agencies. NMFS is encouraging all vessels to voluntarily utilize the VMS program.

All of the vessels that will be required to carry a VMS unit are currently required to provide for the electronic transmission of observer data (OMB No. 0648-0307). The electronic data transmission program provides for the transmission of total catch and catch composition data by the observer. It does not allow for real-time data transmission and does not provide for automatic transmission of vessel position.

5. Methods to minimize the burden on small entities.

This collection-of-information does not impose a significant impact on small entities.

6. Consequences to Federal program activities if the collection were conducted less frequently.

Without a VMS program, it will not be possible to effectively administer closures of Steller Sea Lion critical habitat. NMFS would be forced to rely on traditional enforcement methods such as United States Coast Guard (USCG) aerial surveillance. Because the critical habitat zones are spread over a large area and because most fishing outside of critical habitat will take place very near the boundaries, it would be impossible or prohibitively expensive to enforce the closures. The protection of critical habitat is a critical part of the recovery program for Steller sea lions and a statutory obligation under the Endangered Species Act.

7. Special circumstances.

This information collection will require that vessel position information be collected every 20 minutes while engaged in pollock fishing when critical habitat is closed. This frequency of reporting is necessary for effective enforcement of closed areas. Since the transmissions are automatic, this will not place a significant burden on the respondents.

8. Public comment or consultation on the information collection.

The proposed rule to implement the Pollock VMS program will address the burden estimates of the new collection-of-information requirements and will solicit public comment. The proposed rule also will give notice that NMFS intends to require VMS for vessels participating in the pollock fishery.

9. Payment or gift to respondents.

No payment or gift is provided under this program.

10. Assurance of confidentiality provided to respondents and the basis for this assurance in statute, regulation, or agency policy.

Information collected by a VMS program would be considered confidential by vessel owners. Both NMFS and the USCG have worked to ensure the confidentiality of all transmissions, and all VMS units include systems to minimize the risk of direct or inadvertent disclosure of vessel position. These transmissions would be considered confidential and are subject to confidentiality protection under section 402(b) of the Magnuson-Stevens Act (16 U.S.C. 1801, *et seq*.). They are also confidential under NOAA Administrative Order 216-100, which sets forth procedures to protect confidentiality of fishery statistics. These procedures have been implemented under the NMFS Operations Manual entitled, "Data Security Handbook for the Northwest-Alaska Region, National Marine Fisheries Service."

11. Collection of information of a private and sensitive nature.

This information collection does not involve information of a sensitive nature.

12/13/14. Total burden hours and annual costs of the collection-of-information for respondents and Federal Government.

Total burden hours and annual costs for the pollock VMS unit installation and operation are presented in Table 1. Installation time for a VMS unit is estimated to be less than two hours, but a higher estimate of 6 hours/vessel is used, based on a worst case scenario where a 12 volt DC hookup is not convenient to a location where the VMS unit can be installed. NMFS estimates that a NMFS-approved VMS transmitter would cost approximately $1,800 per unit; annualized over a three-year period, the figure becomes $600. Federal staff would ensure that VMS units have been installed and are operational, and to review the data transmissions as required. Employment costs estimate an average wage equivalent to a GS-7 employee in Alaska, including COLA (see Table 1).

Table 1. Summary of Total Burden Hours and Annual Costs of the Collection-of-information for Respondents and Federal Government

Application Description	Respondent		Federal Government	
		Miscellaneous Cost ($)	Time (hr)	Personnel Cost ($)
VMS Installation AFA vessels Number of respondents = 150 20 listed c/p 1 unlisted c/p 7 cv in c/p sector 19 cv in ms sector 95-100 cv in ss sector (can also be ms but not c/p)				
Number responses per respondent 180 fishing days per vessel 72 transmissions per fishing day 72 x 180	12,960			
Total number of responses 12,960 x 150	1,944,000			
Total estimated hours per response Time for each transmission = 5 sec (1,944,000 x 5 sec)/3,600 sec/hr	2,700 hr			
Initial cost of VMS units $1,800 * 150 vessels = $270,000/3 year		$90,000		
VMS installation time for each vessel (6 hr one time charge) * 150 vessels = 900 hr/3 year	300 hr			
VMS maintenance time 4 hr/yr x 150 vessels	600 hr			
Annual cost of VMS transmission time Daily = $5/day x 180 days = $900 x 150 vessels		$135,000		
Personnel cost per hour = $13			120 hr	$1,560
TOTAL RESPONSES	1,944,000			
TOTAL HOURS	3,600			

15. Program changes or adjustments.

This is a new collection-of-information to monitor AFA pollock.

16. Plans for tabulation and publication.

The results of this collection-of-information will not be published.

17. Expiration date for OMB approval of the information collection.

No forms will be developed by NMFS as part of this program. The transmission of the data is automatic and electronic, and it would not be possible to display the OMB expiration date.

18. Exception to the certification statement.

As explained in 17 above, there is no place where it would be possible to display or provide a certification statement.